

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 8 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
ASPI KEKI SARKARI

Versus

SURAT PARSI PANCHAYAT FUND ANDPROPERTY TRUST

-----  
Appearance:

MR UTPAL M PANCHAL for Petitioner  
MRS KETTY A MEHTA for Respondent No. 1

-----  
CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 08/04/99

ORAL JUDGEMENT

Rule. Service of rule waived by Mrs. Ketty A. Mehta, learned advocate for the respondent.

2. Short grievance in this revision application is with regard to the impugned order of appointment of Commissioner having been passed by the learned Judge of the Small Causes Court at Surat in absence of the learned

advocates for the parties. Order speaks about Court Commissioner having been appointed to make local inspection and submit report alongwith sketch/map of the property in question. It is obvious that the Court Commissioner should keep present parties to the proceedings or their learned advocates. Hence, following modification is made in the impugned order :-

The Court Commissioner will go to the site after intimating the parties and their learned advocates so that they may remain present at the time when the work of commission is to be commenced as directed by the learned trial Judge.

With this modification, rule is discharged with no order as to cost.

\* \* \*

PVR.